

wetlands, coastal zones, wildlife refuge and wilderness areas, wild and scenic rivers, sole or principle drinking water aquifers;

(viii) Potential for adverse effects on health or safety; and

(ix) Potential to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

(4) *Documentation.* The Regional Director will prepare and maintain an administrative record of each proposal that is determined to be categorically excluded from the preparation of an environmental impact statement or an environmental assessment.

(5) *Revocation.* The Regional Director shall revoke a determination of categorical exclusion and shall require a full environmental review if, subsequent to the granting of an exclusion, the Regional Official determines that due to changes in the proposed action or in light of new findings, the action no longer meets the requirements for a categorical exclusion.

(6) *Changes to the list of exclusion categories.* (i) The FEMA list of exclusion categories will be continually reviewed and refined as additional categories are identified and experience is gained in the categorical exclusion process. An office, directorate, or administration of FEMA may, at any time, recommend additions or changes to the FEMA list of exclusion categories.

(ii) Offices, directorates, and administrations of FEMA are encouraged to develop additional categories of exclusions necessary to meet their unique operational and mission requirements.

(iii) If an office, directorate, or administration of FEMA proposes to change or add to the list of exclusion categories, it shall first:

(A) Obtain the approval of the Environmental Officer and FEMA's Office of the General Counsel; and

(B) Publish notice of such proposed change or addition in the **Federal Register** at least 60 days before the effective date of such change or addition.

(e) *Actions that normally require an environmental assessment.* When a proposal is not one that normally requires an environmental impact statement and does not qualify as a categorical exclusion, the Regional Director shall prepare an environmental assessment.

Dated: July 28, 1995.

Harvey G. Ryland,

Deputy Director.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 950725189-5189-01; I.D. 062795A]

RIN 0648-XX24

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Changes in Catch Limits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: NMFS proposes changes in the management regimes for the Atlantic migratory groups of king and Spanish mackerel and the Gulf group of king mackerel, in accordance with the framework procedure for adjusting management measures for the Fishery Management Plan for the Coastal Migratory Pelagic Resources (FMP). For Atlantic group king mackerel, this rule proposes changes in the total allowable catch (TAC), establishment of commercial vessel trip limits, and reduction of the recreational bag limit; for Atlantic group Spanish mackerel, increases in the TAC and allocations; and for Gulf group king mackerel, changes in the commercial vessel trip limits. The intended effect of this rule is to protect king and Spanish mackerel from overfishing and continue stock rebuilding programs while still allowing catches by important recreational and commercial fisheries dependent on king and Spanish mackerel.

DATES: Written comments must be received on or before August 18, 1995.

ADDRESSES: Comments must be mailed to Mark F. Godcharles, Southeast Region, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the environmental assessment and regulatory impact review supporting aspects of this action relating to Gulf group mackerel should be sent to the Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, Suite 331, Tampa, FL 33609-2486. Requests for comparable documents relating to Atlantic group mackerel should be sent to the South Atlantic Fishery Management Council, Southpark Building, One Southpark Circle, Suite 306, Charleston, SC 29407-4699.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-570-5305.

SUPPLEMENTARY INFORMATION: The fisheries for coastal migratory pelagic resources are regulated under the FMP. The FMP was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 642.

In accordance with the framework procedure of the FMP, the Councils appointed a Stock Assessment Panel (Panel) to assess, on an annual basis, the condition of each stock of king and Spanish mackerel in the management unit, to report its findings, and to make recommendations to the Councils. Based on the Panel's 1995 report and recommendations, advice from the Mackerel Advisory Panels (MAPs) and the Scientific and Statistical Committees (SSCs), and public input, the Councils recommended to the Director, Southeast Region, NMFS (Regional Director), changes to the TAC and allocations for the Atlantic migratory groups of king and Spanish mackerel, reduction of the recreational bag limit in the northern area and establishment of commercial trip limits for Atlantic group king mackerel, and changes in the commercial trip limits for Gulf group king mackerel in the east and west coast sub-zones of the eastern zone. The recommended changes are within the scope of the management measures that may be adjusted, as specified at 50 CFR 642.29. For the 1995-96 fishing year, the Councils recommended no changes for Gulf group Spanish mackerel or for cobia.

Specifically, the Councils recommended that, effective with the fishing year that began April 1, 1995, the annual TAC for the Atlantic migratory group of Spanish mackerel be increased from 9.20 million lb (4.17 million kg) to 9.40 million lb (4.26 million kg) and the annual TAC for the Atlantic migratory group of king mackerel be decreased from 10.00 million lb (4.54 million kg) to 7.30 million lb (3.31 million kg). These recommended TACs are within the range of the acceptable biological catch chosen by the Councils and represent a conservative approach supported by their SSCs and MAPs. Under the provisions of the FMP, the recreational and commercial fisheries are allocated a fixed percentage of the TAC. Under the established percentages, the proposed TACs for the fishing year that commenced April 1, 1995, would be allocated as follows:

Species	m. lb	m. kg
Atlantic Spanish Mackerel—TAC	9.40	4.26
Recreational allocation (50%)	4.70	2.13
Commercial allocation (50%)	4.70	2.13
Atlantic King Mackerel—TAC	7.30	3.31
Recreational allocation (62.9%)	4.60	2.09
Commercial allocation (37.1%)	2.70	1.22

The commercial sector of the Atlantic group Spanish mackerel fishery is managed under trip limits. In the southern zone, i.e., south of a line extending directly east from the Georgia/Florida boundary, the specific trip limits vary depending on the percentage of catch of the adjusted allocation. The adjusted allocation is the commercial allocation for Atlantic migratory group Spanish mackerel reduced by an amount calculated (250.00 lb) (113.40 kg) to allow continued harvests of Atlantic group Spanish mackerel at the rate of 500 lb (227 kg) per vessel per day for the remainder of the fishing year after the adjusted allocation is reached. Along with the increased commercial allocation, the Councils recommended that the adjusted allocation be increased from 4.35 million lb (1.97 million kg) to 4.45 million lb (2.02 million kg).

The commercial sector of the Gulf group king mackerel fishery in the eastern zone (off Florida) also is managed under trip limits. The proposed trip limit changes are specific for Florida east and west coast sub-zones and respective quotas. For the Florida east coast sub-zone, the Councils proposed that the commercial vessel trip limit of 50 king mackerel per day would not be reduced if 75 percent of the sub-zone's fishing year quota is not harvested before March 1, but would remain at 50 king mackerel per day until the entire quota has been harvested or until March 31, whichever occurs first. Currently, the trip limit is reduced from 50 to 25 fish per day when 75 percent of the quota is taken and remains at that level until the entire quota has been harvested or until March 31, whichever occurs first. Last season's projected harvest did not reach 75 percent of the quota until the end of the season; therefore, the trip limit was not reduced to 25 king mackerel per day. The Florida east coast sub-zone exists November 1 through March 31 and encompasses the waters off the Florida east coast from a line extending directly east from the

Dade/Monroe County boundary to a line extending directly east from the Volusia/Flagler County boundary.

For the Florida west coast sub-zone, the Councils recommended daily trip limits for vessels harvesting king mackerel under the hook-and-line quota; no trip limits were in effect last season. The daily possession/landing limit for a vessel using hook-and-line gear, holding a Federal commercial mackerel permit would be 125 fish for the taking of the first 75 percent of the hook-and-line quota, then be reduced to 50 fish until the entire quota has been harvested. From November 1 through March 31, the Florida west coast sub-zone encompasses the waters off the southeast, south, and west coasts of Florida from the Dade/Monroe County boundary to a line extending directly south from the Alabama/Florida boundary. From April 1 through October 31, when the boundary separating the Gulf and Atlantic groups of king mackerel is a line extending directly west from the Monroe/Collier boundary (25°48' N. lat.), the west coast sub-zone would extend from that boundary to the Alabama/Florida boundary and would exclude the Florida Keys (Monroe County).

For the Atlantic group king mackerel, the Councils recommended daily trip limits for vessels harvesting under the commercial allocation. Previously this segment of the fishery has not had trip limits. The commercial trip limits were proposed to prevent a likely closure, to distribute catch among user groups, and to minimize ongoing user-group conflicts and those that would result if new entrants displaced by Florida's inshore net prohibition would cause a large shift in effort. The daily possession/landing limit for a vessel using non-prohibited gear holding a Federal commercial mackerel permit would be 3,500 lb (1,588 kg) of king mackerel, in or from the exclusive economic zone (EEZ), year-round in the northern area between the New York/Connecticut and Flagler/Volusia County, FL boundaries. Off Volusia County, FL, the daily trip limit would be 3,500 lb (1,588 kg) of king mackerel, in or from the EEZ, from April 1 through October 31. South of there, between the Volusia/Brevard and Monroe/Collier County boundaries, a daily trip limit of 50 king mackerel in or from the EEZ would be effective April 1 through October 31. All trip limits proposed for the Atlantic group king mackerel are daily landing/possession limits that would reduce to zero for that group whenever the annual commercial allocation is reached.

The Regional Director initially concurs that the Councils' recommendations are necessary to protect the king and Spanish mackerel stocks and prevent overfishing and that they are consistent with the objectives of the FMP. Accordingly, the Councils' recommended changes are published for comment. In addition to these changes, § 642.28(b) has been revised and reformatted to improve clarity.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed commercial trip limits for the east coast sub-zone of Gulf king mackerel are expected to result in a slight increase in economic benefits; west coast sub-zone trip limits are expected to have favorable distributional effects but perhaps minor adverse impacts on short-term profitability. Commercial trip limits for Atlantic group king mackerel should result in small increases in long-term benefits to the industry. The proposed reduction in TAC for Atlantic group king mackerel is not expected to affect revenues of small entities, because the reduced level is consistent with catch levels in recent years. The reduction in the recreational bag limit for Atlantic group king mackerel is expected to affect only a small portion of recreational anglers. The minor increase in TAC for Atlantic group Spanish mackerel would increase revenues to the commercial sector slightly. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 27, 1995.

Richard B. Stone,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 642 is proposed to be amended as follows:

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 642 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 642.7, paragraphs (q) through (u) are revised to read as follows:

§ 642.7 Prohibitions.

* * * * *

(q) Exceed a commercial trip limit for Atlantic group king or Spanish mackerel, as specified in § 642.27(a) or (b).

(r) Transfer at sea from one vessel to another an Atlantic group king or Spanish mackerel subject to a commercial trip limit, as specified in § 642.27(f).

(s) In the eastern zone, possess or land Gulf group king mackerel in or from the EEZ in excess of an applicable trip limit, as specified in § 642.28(a), (b)(1), or (b)(2), or transfer at sea such king mackerel, as specified in § 642.28(e).

(t) In the Florida west coast sub-zone, possess or land Gulf group king mackerel in or from the EEZ aboard a vessel that uses or has aboard a run-around gillnet on a trip when such vessel does not have on board a commercial permit for king and Spanish mackerel with a gillnet endorsement, as specified in § 642.28(b)(2)(i).

(u) In the Florida west coast sub-zone, aboard a vessel for which a commercial permit for king and Spanish mackerel with a gillnet endorsement has been issued, retain Gulf group king mackerel in or from the EEZ harvested with gear other than run-around gillnet, as specified in § 642.28(b)(1)(ii)(C).

* * * * *

3. In § 642.24, paragraph (a)(1)(ii)(A) is revised to read as follows:

§ 642.24 Bag and possession limits.

(a) * * *

(1) * * *

(ii) * * *

(A) *Northern area*—five per person through December 31, 1995; three per person thereafter.

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§ 642.25 [Amended]

4. In § 642.25, in paragraph (a)(2), the numbers “3.71” and “1.68” are revised to read “2.70” and “1.22”, respectively and in paragraph (b)(2), the numbers “4.60” and “2.09” are revised to read “4.70” and “2.13”, respectively.

5. In § 642.27, paragraphs (a) through (e) are redesignated as paragraphs (b) through (f), respectively; in newly redesignated paragraphs (c) and (d), the references to “paragraph (a)(2) of this section” are revised to read “paragraph (b)(2) of this section”; in newly redesignated paragraph (c) the numbers “4.35” and “1.97” are revised to read “4.45” and “2.02”, respectively; the reference in newly redesignated paragraph (f) introductory text and in

newly redesignated paragraph (f)(2), “Spanish mackerel” is revised to read “king or Spanish mackerel”; the section heading is revised; paragraph (a) is added; and a paragraph heading is added to newly redesignated paragraph (b) to read as follows:

§ 642.27 Commercial trip limits for Atlantic group king and Spanish mackerel.

(a) *Atlantic group king mackerel.* (1) North of a line extending directly east from the Volusia/Flagler County, Florida boundary (29°25' N. lat.) to the outer limit of the EEZ, king mackerel in or from the EEZ may not be possessed aboard or landed from a vessel in a day in amounts exceeding 3,500 lb (1,588 kg).

(2) In the area between lines extending directly east from the northern and southern boundaries of Volusia County, Florida (29°25' N. lat. and 28°47.8' N. lat., respectively) to the outer limit of the EEZ, king mackerel in or from the EEZ may not be possessed aboard or landed from a vessel in a day in amounts exceeding 3,500 lb (1,588 kg) from April 1 through October 31.

(3) In the area between lines extending directly east from the Volusia/Brevard County, Florida boundary (28°47.8' N. lat.) to the outer limit of the EEZ and directly west from the Monroe/Collier County, Florida boundary (25°48' N. lat.) to the outer boundary of the EEZ, king mackerel in or from the EEZ may not be possessed aboard or landed from a vessel in a day in amounts exceeding 50 fish from April 1 through October 31.

(b) *Atlantic group Spanish mackerel.*

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6. In § 642.28, a sentence is added at the end of paragraph (a)(2), and paragraph (b) and paragraph (e) introductory text, are revised to read as follows:

§ 642.28 Additional limitations for Gulf group king mackerel in the eastern zone.

(a) * * *

(2) * * * However, if 75 percent of the sub-zone's quota has not been harvested by March 1, the vessel limit remains at 50 king mackerel per day until the sub-zone's quota is filled or until March 31, whichever occurs first.

(b) *Florida west coast sub-zone*—(1) *Gillnet gear.* (i) In the Florida west coast sub-zone, king mackerel in or from the EEZ may be possessed aboard or landed from a vessel for which a permit with a gillnet endorsement has been issued under § 642.4, from July 1, each fishing year, until a closure of the Florida west coast sub-zone's commercial fishery for vessels fishing with run-around gillnets

has been effected under § 642.26—in amounts not exceeding 25,000 lb (11,340 kg) per day.

(ii) In the Florida west coast sub-zone:

(A) King mackerel in or from the EEZ may be possessed aboard or landed from a vessel that uses or has aboard a run-around gillnet on a trip only when such vessel has on board a commercial permit for king and Spanish mackerel with a gillnet endorsement;

(B) King mackerel from the west coast sub-zone landed by a vessel for which such commercial permit with endorsement has been issued will be counted against the run-around gillnet quota of § 642.25(a)(1)(i)(B)(2); and

(C) King mackerel in or from the EEZ harvested with gear other than run-around gillnet may not be retained aboard a vessel for which such commercial permit with endorsement has been issued.

(2) *Hook-and-line gear.* In the Florida west coast sub-zone, king mackerel in or from the EEZ may be possessed aboard or landed from a vessel permitted under § 642.4(a)(1) and operating under the commercial hook-and-line gear quota in § 642.25(a)(1)(i)(B)(1):

(i) From July 1, each fishing year, until 75 percent of the sub-zone's hook-and-line gear quota has been harvested—in amounts not exceeding 125 king mackerel per day; and

(ii) From the date that 75 percent of the sub-zone's hook-and-line gear quota has been harvested until a closure of the west coast sub-zone's hook-and-line fishery has been effected under § 642.26—in amounts not exceeding 50 king mackerel per day.

* * * * *

(e) *Transfer at sea.* A person for whom a trip limit specified in paragraph (a), (b)(1)(i), or (b)(2) of this section or a gear limitation specified in paragraph (b)(1)(ii)(A) of this section applies may not transfer at sea from one vessel to another a king mackerel:

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50 CFR Part 697

[Docket No. 950605148-5148-01; I.D. 060195C]

RIN 0648-AH58

Atlantic Coast Weakfish Fishery; Moratorium in Exclusive Economic Zone; Comment Period Extension

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.